

Entered -09-14-99 - sb
CL 99L0592 - GWENDOLYN BURNS

01-12-0378

CLAIM OF:

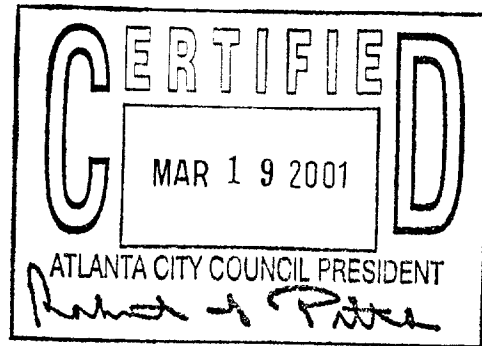
COLQUITT CONSTRUCTION, INC.
5396 Valley Mist Court
Norcross, Georgia 30092

For vehicular damages alleged to have been sustained from a construction cut that was left open and in an unsafe condition on August 23, 1999 at 2773 Pharr Road, NE.

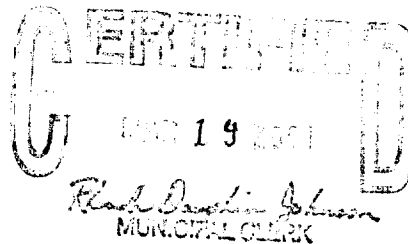
THIS ADVERSED REPORT IS
APPROVED

APPROVED
MAR 19 2001

BY: Rosalind R Newell
ROSALIND RUBENS NEWELL
DEPUTY CITY ATTORNEY



REPORT
A. Public Safety
DATE 3/13/01
BY C. T. May
W. J. ...
Clara ...
W. J. ...





OFFICE OF MUNICIPAL CLERK

RHONDA DAUPHIN JOHNSON, CMC
MUNICIPAL CLERK

55 TRINITY AVENUE, S.W.
SECOND FLOOR, EAST
SUITE 2700
ATLANTA, GEORGIA 30335
(404) 330-6033
FAX (404) 658-6103

March 30, 2001

Colquitt Construction, Inc.
Attn: Stephanie Smith
5396 Valley Mist Court
Norcross, GA 30092

01-R-0378

Dear Ms. Smith:

I sincerely regret that you have been adversely affected by the circumstances raised in your claim for damages against the City of Atlanta. Your time and patience in this matter has been greatly appreciated.

However, I must notify you that the Atlanta City Council Adopted an Adverse Report on your claim at its regular meeting on March 19, 2001. In consultation with the City's Law Department, who conducted an investigation of the situation, the Council has determined that the City cannot accept responsibility for this matter and therefore cannot pay this claim.

If you desire any further information, please contact the City Attorney's Office/Claims Division at (404) 330-6400.

Sincerely,

Rhonda Dauphin Johnson, CMC
Municipal Clerk

cc: Claims Division/Law Department

DEPARTMENT OF LAW - CLAIM INVESTIGATION SUMMARY

Claim No. 99L0592

Date: March 1, 2001

Claimant /Victim COLQUITT CONSTRUCTION, INC.

BY: (Atty) (Ins. Co.) _____

Address: 5396 Valley Mist Court, Norcross, Georgia 30092

Subrogation: _____ Claim for damages \$ Unspecified Bodily Injury \$ _____

Date of Notice: 9/7/99 Method: Written, Proper _____ Improper X

Conforms to Notice: O.C.G.A. §36-33-5 _____ Ante Litem (6 Mo.) X

Date of Occurrence 8/23/99 Place: 2773 Pharr Road, NE

Department _____ Division _____

Employee involved _____ Disciplinary Action: _____

NATURE OF CLAIM: Claimant alleges that its subcontractor's vehicle was damaged as a result of driving over a construction site in the roadway that was left open and in an unsafe condition. However, this claim was improperly filed by the claimant. It should have been filed by the sub contractor instead. Secondly, an investigation determined that United Water Services Atlanta performed work at the incident location. The claimant has been advised to direct its subcontractor to file its claim with same.

INVESTIGATION:

Statements: City employee _____ Claimant _____ Others _____ Written _____ Oral _____

Pictures _____ Diagrams _____ Reports: Police _____ Dept Report X Other _____

Traffic citations issued: City Driver _____ Claimant Driver _____

Citation disposition: City Driver _____ Claimant Driver _____

BASIS OF RECOMMENDATION:

Function: Governmental _____ Ministerial _____

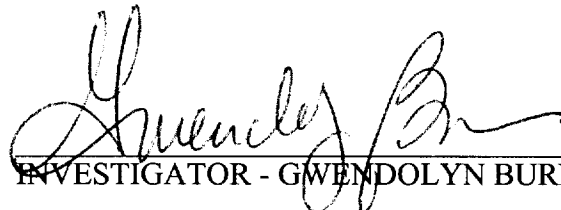
Improper Notice _____ More than Six Months _____ Other X Damages reasonable _____

City not involved X Offer rejected _____ Compromise settlement _____

Repair/replacement by Ins. Co. _____ Repair/replacement by City Forces _____

Claimant Negligent _____ City Negligent _____ Joint _____ Claim Abandoned _____

Respectfully submitted,


INVESTIGATOR - GWENDOLYN BURNS

RECOMMENDATION:

Pay \$ _____ Adverse X Account charged: 1A01 _____ 2J01 _____ 2H01 _____

Claims Manager:  Concur/date 03 02-01

Committee Action: _____ Council Action _____

COLQUITT CONSTRUCTION, INC.
5396 VALLEY MIST COURT
NORCROSS, GEORGIA 30092
770-729-1614

ENTERED - 9-14-99 - SB
99L0592 - MIKE REEVES

Reeves
09/07/99
Tom

August 24, 1999

Attn: Sherry Butler
Claims
Law Department, City of Atlanta

Dear Ms. Butler,

I am writing regarding a safety hazard created by the sewer division of the City of Atlanta. The sewer department put in sewer taps at 2773 and 2767 Pharr Road the week of August 16. When the sewer taps were complete, they did not cover the hole in the street. The hole is approximately 4' x 4' wide and 3' deep.

Orange cones were put around the hole, but apparently were moved by someone in the neighborhood. A car belonging to someone unknown to me fell in the hole on Thursday, August 19, 1999. I was informed about this Friday morning. I called and left a voice mail for Allen Moore on Friday, August 19.

On Monday morning, August 23, the hole was still uncovered. I called Allen Moore again around 9:30 am and left another voice mail. At 3:00pm on Monday afternoon, our electrician's truck ended up in the hole and was damaged. I do not know the extent of the damage, however I feel the City of Atlanta should be responsible for the repairs.

Our receipt for the sewer tap purchase lists Allen Moore as the contact person, and he was contacted twice. I never received a return phone call, and no action was taken to secure this liability. My subs finally covered the hole on Monday afternoon.

Our electrician is Tom Minko and his company is Foxx Tech. Please advise us what action needs to be taken in order to get his vehicle repaired. I appreciate your attention to this and your prompt response.

Sincerely,



Stephanie Smith
General Manager

cc: Tom Minko
Foxx Tech

01-R-0378

RCS# 2725
3/19/01
2:52 PM

Atlanta City Council

Regular Session

CONSENT

Pages 1 thru 15

ADOPT

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

YEAS: 12
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 3
EXCUSED: 0
ABSENT 1

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2726
3/19/01
2:54 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered-
#1*

Pages 1 thru 15

ADOPT

YEAS: 11
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 4
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

Y McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	NV Emmons
NV Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	NV Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

RCS# 2753
3/19/01
5:40 PM

Atlanta City Council

Regular Session

CONSENT *Reconsidered*
#2

Pages 1 thru 15

ADOPT

YEAS: 13
NAYS: 0
ABSTENTIONS: 0
NOT VOTING: 2
EXCUSED: 0
ABSENT 1

SEE ATTACHED LISTING OF
ITEMS ADOPTED/ADVERSED
ON CONSENT AGENDA

NV McCarty	Y Dorsey	Y Moore	Y Thomas
Y Starnes	Y Woolard	Y Martin	Y Emmons
Y Bond	Y Morris	Y Maddox	B Alexander
Y Winslow	Y Muller	Y Boazman	NV Pitts

ITEM (S) REMOVED FROM
CONSENT AGENDA
01-O-0067
01-O-0354
01-O-0188

Woolard & Morris voted Nay on the
following items:

01-R-0379
01-R-0392
01-R-0393
01-R-0394
01-R-0395
01-R-0396

CONSENT

		03/19/01 Council Meeting
ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADOPTED ON CONSENT AGENDA	ITEMS ADVERSE ON CONSENT AGENDA
1. 01-O-0306	39. 01-R-0397	57. 01-R-0437
2. 01-O-0445	40. 01-R-0398	58. 01-R-0438
3. 01-O-0449	41. 01-R-0399	59. 01-R-0375
4. 01-O-0450	42. 01-R-0400	60. 01-R-0376
5. 01-O-0098	43. 01-R-0401	61. 01-R-0377
6. 01-O-0178	44. 01-R-0402	62. 01-R-0378
7. 01-O-0302	45. 01-R-0403	63. 01-R-0379
8. 01-O-0367	46. 01-R-0404	64. 01-R-0380
9. 00-O-1987	47. 01-R-0405	65. 01-R-0381
10. 01-O-0448	48. 01-R-0406	66. 01-R-0382
11. 00-O-2069	49. 01-R-0407	67. 01-R-0383
12. 01-O-0446	50. 01-R-0408	68. 01-R-0384
13. 01-O-0187	51. 01-R-0409	69. 01-R-0385
14. 01-O-0294	52. 01-R-0410	70. 01-R-0386
15. 01-R-0411	53. 01-R-0433	71. 01-R-0387
16. 01-R-0412	54. 01-R-0434	72. 01-R-0388
17. 01-R-0413	55. 01-R-0435	73. 01-R-0389
18. 01-R-0414	56. 01-R-0436	74. 01-R-0390
19. 01-R-0420		75. 01-R-0391
20. 01-R-0421		76. 01-R-0392
21. 01-R-0475		77. 01-R-0393
22. 01-R-0428		78. 01-R-0394
23. 01-R-0429		79. 01-R-0395
24. 01-R-0477		80. 01-R-0396
25. 01-R-0220		81. 01-R-0440
26. 01-R-0430		82. 01-R-0439
27. 01-R-0447		
28. 01-R-0452		
29. 01-R-0458		
30. 01-R-0417		
31. 01-R-0426		
32. 01-R-0427		
33. 00-R-1466		
34. 01-R-0416		
35. 01-R-0419		
36. 01-R-0424		
37. 01-R-0108		
38. 01-R-0189		